

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

REGINA GOLDSTON

VS.

CITY OF FORT WORTH, ET AL.

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ACTION NO. 4:17-CV-105-Y

ORDER STAYING AND ADMINISTRATIVELY CLOSING CASE PENDING APPEAL

On August 31, 2018, Plaintiff filed a notice of appeal as to this Court's order and Rule 54(b) final judgment granting defendant Anderson's motion for summary judgment, in which the Court concluded that Plaintiff had failed to demonstrate a genuine issue of fact regarding whether Anderson engaged in excessive force during the incident in question. Resolution of that appeal appears likely to impact consideration of the remaining failure-to-train claim pending against defendant City of Fort Worth, and the Court discerns no prejudice likely to befall either party as a result of staying the remaining claim pending that appeal. Consequently, the Court concludes that the remainder of this case should be and hereby is STAYED and ADMINISTRATIVELY CLOSED pending a final decision by the United States Court of Appeals for the Fifth Circuit regarding Plaintiff's appeal. The clerk of the Court shall note this closing on the Court's docket. The case may be reopened, without prejudice, upon the motion of either party filed no later than thirty days after a final decision by the Fifth Circuit regarding the appeal. Cf. *Prior Products, Inc. v. Southwest Wheel-NCL Co.*, 805 F.2d 543, 544 (5th Cir. 1986) (closing case in light of bankruptcy stay but giving parties right to reopen based upon action in bankruptcy proceeding).

SIGNED September 19, 2018.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE